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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,282	02/15/2006	Akihiro Yamamoto	20060126A	3301

52349 7590 12/21/2007
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EXAMINER

HOANG, SON T

ART UNIT	PAPER NUMBER
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2165

MAIL DATE	DELIVERY MODE
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12/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,282

Applicant(s)

YAMAMOTO ET AL.

Examiner

Son T. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01 June 2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This instant application having Application No. 10/568,282 has a total of 12 claims pending in the application; there are 4 independent claims and 8 dependent claims.

Oath/Declaration

2. The Applicant's oath/declaration has been reviewed by the Examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

Information Disclosure Statement

3. As required by **M.P.E.P. 609(C)**, the Applicant's submissions of the Information Disclosure Statements dated February 15, 2006 and June 01, 2006 are acknowledged by the Examiner. However, since both submitted Information Disclosure Statements cited identical references, the Examiner only considers the latest submission (dated June 01, 2006). The cited references have been considered in the examination of the claims now pending. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the Examiner is attached to the instant Office action.

Priority / Filing Date

4. The Applicant's claim for foreign priority of Japanese Patent Application No. 2003-297362 is confirmed. The Examiner takes the foreign filing date of August 21, 2003 into consideration.

Abstract

5. The abstract of the disclosure is accepted for examination purposes.

Drawings

6. The drawings were received on February 15, 2006. These drawings are acceptable for the examination purposes.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 15 and 18** are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matters.

Regarding **claim 15**, "*a program for transmitting and receiving data*" is being recited. However, "*a program*" can easily be interpreted by a person with ordinary skills in the art as software per se and functional descriptive material consisting of data structures and computer instructions, which impart functionality when employed as a computer component. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim 18 fails to resolve the deficiencies of **claim 15** and only further limits the scope of **claim 15**. Therefore, **claim 18** is also rejected under 35 U.S.C. 101.

The claims above lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they

fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.")

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. **Claims 1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrickson et al. (Pat. No. US 6,625,622, filed on August 23, 1999; hereinafter Henrickson) in view of Sinha (Pub. No. US 2004/0064488, filed on September 30, 2002).

Regarding **claim 1**, Henrickson clearly shows and discloses a data transmission/reception system comprised of a first recording/reproduction apparatus and a second recording/reproduction apparatus which execute recording and reproduction of input data, and which transmits and receives data between said first recording/reproduction apparatus and said second recording/reproduction apparatus (*Source computer and target computer are used, regardless of their hardware or operating system, to relocate application*

programs, settings, menus, files and documents from a source computer to a target computer, [Abstract]),

wherein said first recording/reproduction apparatus (*source computer*) includes:

a first recording unit for recording a digital data group (*hard drive*, [Column 4, Lines 25-28]) and a first database file which stores information regarding digital data (*list of the items stored on the hard drive*, [Column 4, Lines 35-37]);

an extraction unit operable to extract, from the first database file, information regarding digital data which corresponds to digital data which is recorded in said first recording/reproduction apparatus but has not been recorded in said second recording/reproduction apparatus, by comparing a second database file sent by said second recording/reproduction apparatus with the first database file (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content*, [Column 4, Lines 26-40]. *The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within*

those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]];

wherein said second recording/reproduction apparatus (*target computer*) includes:

a second recording unit for recording a digital data group and a second database file which stores information regarding each digital data of the digital data group (*hard drive*, [Column 4, Lines 25-28]); and

a sending unit operable to send the second database file to said first recording/reproduction apparatus (*the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]]*).

Sinha teaches:

the information regarding digital data, which includes copy origin information indicating where each digital data is copied from and copy destination information indicating where each digital data is copied to, of

the digital data group (*The synchronization process 18 understands the source (such as computer 10) and destination (such as a backup computer not shown) of the real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24. As an example, it will contain the information that "c:\source\sample" folder is to be backed of to "\\Backupserver\backupshare\userx\sample" folder.. This can be created based on the user preference, [0060]).*

a delete determination unit operable to determine, based upon the copy origin information and the copy destination information, whether or not to delete the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data from said first recording/reproduction apparatus (*analysis process 1102 ensures whether a file exists in the destination. If it does not exist, then the procedure is exited at step 2106. If it exists, then the next step is 2110. In step 2110, analysis process 1102 adds the file name in the file system request to the list of files deleted at the source. The procedure is also exited at step 2106 following execution of step 2110, [0107]), and*

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Sinha with the teachings of Henrickson to efficiently back up user computer data as the user is changing the

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computer source document, particularly if the user data is critical, by performing a real time optimized backup from a source device to a destination device ([0002]-[0003] of Sinha).

Regarding **claim 9**, Henrickson further discloses a data transmission/reception system, wherein said first recording/reproduction apparatus further includes a sending unit operable to send, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be*

connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]).

Regarding **claim 10**, Henrickson further discloses a data transmission/reception system, wherein said sending unit is operable to determine, based on the copy origin information and copy destination information of the digital data, whether or not to send, to said second recording/reproduction apparatus, the information regarding the extracted digital data and the digital data that corresponds to the extracted information regarding the digital data (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]).*

Regarding **claim 13**, Henrickson clearly shows and discloses a recording/reproduction apparatus which executes recording and reproduction of input data and which transmits and receives data with an other apparatus, said recording/reproduction apparatus (*Source computer and target computer are used, regardless of their hardware or operating system, to relocate application programs, settings, menus, files and documents from a source computer to a target computer*, [Abstract]) comprising:

a recording unit for recording a digital data group (*hard drive*, [Column 4, Lines 25-28]) and a first database file which stores information regarding digital data (*list of the items stored on the hard drive*, [Column 4, Lines 35-37]);

an extraction unit operable to extract, from the first database file, information regarding digital data which corresponds to digital data which is recorded in said recording/reproduction apparatus but has not been recorded in the other apparatus, by comparing a received second database file which has stored information regarding each digital data of the digital data group recorded in the other apparatus with the first database file (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content*, [Column 4, Lines 26-40]. *The relocation process selects*

the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]).

Sinha teaches:

the information regarding digital data, which includes copy origin information indicating where each digital data is copied from and copy destination information indicating where each digital data is copied to, of the digital data group (The synchronization process 18 understands the source (such as computer 10) and destination (such as a backup computer not shown) of the real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24. As an example, it will contain the information that "c:\source\sample" folder is to be backed of to

"\\Backupserver\backupshare\userx\sample" folder.. This can be created based on the user preference, [0060]).

a delete determination unit operable to determine, based upon the copy origin information and the copy destination information, whether or not to delete the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data from said first recording/reproduction apparatus (*analysis process 1102 ensures whether a file exists in the destination. If it does not exist, then the procedure is exited at step 2106. If it exists, then the next step is 2110. In step 2110, analysis process 1102 adds the file name in the file system request to the list of files deleted at the source. The procedure is also exited at step 2106 following execution of step 2110, [0107]).*

Regarding **claim 14**, Henrickson clearly shows and discloses a data transmission/reception method for transmitting and reception data with another apparatus as well as managing recorded data (*Figure 1*), said method comprising:

an extraction step for extracting, from the first database file, information regarding digital data which corresponds to digital data which is recorded in the recording/reproduction apparatus but has not been recorded in the other apparatus, by comparing a received second

database file which has stored information regarding digital data of the digital data group recorded in the other apparatus, with a first database file which has stored information regarding each digital data of the digital data group recorded in the recording/reproduction apparatus (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24];*

Sinha teaches:

information regarding digital data, which includes information regarding a copy origin which indicates where each digital data is copied

from and information regarding a copy destination which indicates where each digital data is copied to (*The synchronization process 18 understands the source (such as computer 10) and destination (such as a backup computer not shown) of the real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24. As an example, it will contain the information that "c:\source\sample" folder is to be backed of to "\\Backupserver\backupshare\userx\sample" folder.. This can be created based on the user preference, [0060]).*

a delete determination step for determining, based upon the information regarding a copy origin and the information regarding a copy destination, whether or not to delete the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*analysis process 1102 ensures whether a file exists in the destination. If it does not exist, then the procedure is exited at step 2106. If it exists, then the next step is 2110. In step 2110, analysis process 1102 adds the file name in the file system request to the list of files deleted at the source. The procedure is also exited at step 2106 following execution of step 2110, [0107]).*

Regarding **claim 15**, Henrickson clearly shows and discloses a program for transmitting and receiving data with another apparatus as well as managing

recorded data (*relocation program in Figure 1*), said program causing a computer to execute:

an extraction step for extracting, from the first database file, information regarding digital data which corresponds to digital data which is recorded in the recording/reproduction apparatus but has not been recorded in the other apparatus, by comparing a received second database file which has stored information regarding digital data of the digital data group recorded in the other apparatus, with a first database file which has stored information regarding each digital data of the digital data group recorded in the recording/reproduction apparatus (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not*

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on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4].

Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]].

Sinha teaches:

information regarding digital data, which includes information regarding a copy origin which indicates where each digital data is copied from and information regarding a copy destination which indicates where each digital data is copied to (*The synchronization process 18 understands the source (such as computer 10) and destination (such as a backup computer not shown) of the real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24. As an example, it will contain the information that "c:\source\sample" folder is to be backed of to "\\Backupserver\backupshare\userx\sample" folder.. This can be created based on the user preference, [0060]).*

a delete determination step for determining, based upon the information regarding a copy origin and the information regarding a copy destination, whether or not to delete the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*analysis process 1102 ensures whether a file exists in the destination. If it does not exist, then the*

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procedure is exited at step 2106. If it exists, then the next step is 2110. In step 2110, analysis process 1102 adds the file name in the file system request to the list of files deleted at the source. The procedure is also exited at step 2106 following execution of step 2110, [0107]).

Regarding **claim 16**, Henrickson further discloses a recording/reproduction apparatus, further comprising

a sending unit operable to send the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data to the other apparatus, wherein said sending unit is operable to determine whether or not to send the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data to the other apparatus based upon the information regarding a copy origin and the information regarding a copy destination of the digital data (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source*

machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]].

Regarding **claim 17**, Henrickson further discloses a data transmission/reception method, further comprising

a sending step of determining whether or not to send the information regarding the digital data and the digital data that corresponds to the information regarding the digital data, the information being extracted in said extraction step, to the other apparatus based upon the information regarding a copy origin and the information regarding a copy destination of the digital data (The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The

list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to 'copy', [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]).

Regarding **claim 18**, Henrickson further discloses a program, further causing a computer to execute a sending step of determining whether or not to send the information regarding the digital data and the digital data, the information being extracted in said extraction step, to the other apparatus based upon the information regarding a copy origin and the information regarding a copy destination of the digital data (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4,*

Lines 41-51]. *A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]).*

12. **Claims 4, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrickson et al. (Pat. No. US 6,625,622, filed on August 23, 1999; hereinafter Henrickson) in view of Sinha (Pub. No. US 2004/0064488, filed on September 30, 2002) and further in view of Wright, JR. et al. (Pub. No. US 2004/0122873, filed on December 20, 2002; hereinafter Wright).

Regarding **claim 4**, the combination of Henrickson and Sinha does not explicitly disclose a data transmission/reception system, wherein each information regarding the digital data stored in the first database file and the second database file further includes information which indicates a priority level.

Wright discloses an attribute associated with a file to indicate that the file is deletable can include an indication of a priority level for deletion. The indication of priority level can, for example, be based upon: a user valuation, time since a last access to the file, a priority associated with an application that originated the file, a file type, or any other criteria ([0031] of Wright).

The combination of Henrickson and Sinha also does not disclose the delete determination unit is operable to determine, based on the priority level of

the digital data, whether or not to delete the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data.

Wright discloses in step 317 of Figure 3, a file 100 that has not been accessed for a predetermined period of time can be deleted. In some embodiments, the history of accesses to files 100 can be updated periodically and a determination made relating to an amount of time that has transpired since a last access for each file 100, based upon each update. Embodiments can include deleting files 100 that have not been accessed within the predetermined time, regardless of any requests for free file space. Other embodiments can include associating an attribute indicating that a file is deletable 101 with a file 100 that has not been accessed within a predetermined period of time and deleting files 100 associated with the attribute 101 in response to a request for free file space ([0035] of Wright).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Wright with the teachings of Henrickson, as modified by Sinha, for the purpose of facilitating management of free file space by associating an attribute with one or more files stored on a storage medium to indicate that the files are deletable upon request ([0007] of Wright).

Regarding **claim 11**, Wright further discloses each information regarding the digital data stored in the first database file and the second database file

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further includes information indicating a priority level (*an attribute associated with a file to indicate that the file is deletable can include an indication of a priority level for deletion. The indication of priority level can, for example, be based upon: a user valuation, time since a last access to the file, a priority associated with an application that originated the file, a file type, or any other criteria, [0031]), and*

said sending unit is operable to determine, based on the priority level information, whether or not to send, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*in step 317 of Figure 3, a file 100 that has not been accessed for a predetermined period of time can be deleted. In some embodiments, the history of accesses to files 100 can be updated periodically and a determination made relating to an amount of time that has transpired since a last access for each file 100, based upon each update. Embodiments can include deleting files 100 that have not been accessed within the predetermined time, regardless of any requests for free file space. Other embodiments can include associating an attribute indicating that a file is deletable 101 with a file 100 that has not been accessed within a predetermined period of time and deleting files 100 associated with the attribute 101 in response to a request for free file space, [0035]).*

13. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Henrickson et al. (Pat. No. US 6,625,622, filed on August 23, 1999; hereinafter Henrickson) in view of Sinha (Pub. No. US 2004/0064488, filed on September 30, 2002) and further in view of Nassar (Pub. No. US 2003/0055671, filed on August 28, 2002)

Regarding **claim 12**, the combination of Henrickson and Sinha does not disclose a data transmission/reception system, wherein one of said first recording/reproduction apparatus and said second recording/reproduction apparatus is installed in a vehicle.

Nassar discloses a system for backup, storage and recovery of data namely computer data, proprietary data, analog data, digital data, and magnetic storage medium data, utilizing physically adjacent storage vehicles namely trucks, armored trucks, vans, automobiles, and customized vehicles to travel onsite to locations where data is located, created, stored, disseminated, and used ([0016]-[0018]).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Nassar with the teachings of Henrickson, as modified by Sinha, for the purpose of securing computer data by downloading them to the mobile vehicles to provide companies with mobile data backup and disaster recovery services (Abstract and [0024] of Nassar).

Conclusion

14. These following prior arts made of record and not relied upon are considered pertinent to Applicant's disclosure:

Pruett et al. (Pat. No. US 5,778,389) teaches method and system for synchronizing computer files directories.

Melahn et al. (Pat. No. US 6,948,163) teaches remote electronic file builder.

Cazier (Pub. No. US 2003/0200229) teaches automatic renaming of files during file management.

The Examiner requests, in response to this Office action, support(s) must be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.


When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

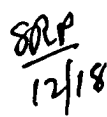
Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday - Friday (7:30 AM – 5:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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 /S.H./
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Patent Examiner
December 17, 2007